

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

February 2, 2005

A **special** meeting of the New Hampshire Board of Pharmacy was held on **February 2, 2005** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:08 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President
Kristina Genovese, Vice-President
George L. Bowersox, Treasurer
Sandra B. Keans, Secretary
Vahrij Manoukian, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator

ABSENT

Ronald L. Petrin, Member

II. REVIEW / ADOPTION OF MINUTES

Minutes of the **January 19, 2005 regular meeting** of the Board were accepted as submitted. **(Manoukian/Bowersox). Voted (unanimous).**

III. LICENSING

A. **Pharmacy**

1. Disciplinary

(a) **COLONIAL PHARMACY, INC.**

247 Newport Road
New London, NH 03257
NH Pharmacy Permit No. 0313
Docket No. 05-009

This proceeding was commenced on January 19, 2005 and continued for deliberation and disposition this day.

Motion (Keans/Genovese) to dismiss the complaint. Motion failed.

Motion (Bowersox/Genovese) to terminate the proceeding with no findings of professional misconduct to support any disciplinary sanctions and that the complaint against Colonial Pharmacy is dismissed with prejudice but that a (non-public) Letter of Concern be issued to Colonial Pharmacy. Further, the Board orders that all exhibits shall remain under seal and shall not be subject for public review as they contain confidential patient information. Voted (passed).

(b) DIABETIC SUPPLIES INTERNATIONAL, INC.

37 Blaisdell Hill Road
South Sutton, NH 03273
NH Wholesaler/Distributor Permit No. 3931
Docket No. 05-010

This proceeding was commenced on January 19, 2005 and continued for deliberation and disposition this day.

Motion (Manoukian/Keans) to dismiss the complaint. Motion failed.

Motion (Bowersox/Keans) to terminate the proceeding with no findings of professional misconduct to support any disciplinary sanctions and that the complaint against Diabetic Supplies International is dismissed with prejudice but that a (non-public) Letter of Concern be issued to Diabetic Supplies International. Further, the Board orders that all exhibits shall remain under seal and shall not be subject for public review as they contain confidential patient information. Voted (passed).

B. Pharmacist

1. Disciplinary

(a) SANTORO, Michael

Methuen, MA
NH License No. 3293

The Board considered the Hearing Counsel's Petition to Approve Settlement Agreement and the proposed Settlement Agreement.

Motion (Genovese/Bowersox) to deny the proposed Settlement Agreement based on the interpretation and application of certain terminology and to request clarification for further consideration. Voted (passed).

- (b) **CHOW, Albert**
Somerville, MA
NH License No. 2829

The Board reviewed several documents, relative to the above-named licensed pharmacist, which were submitted to the Board by the Massachusetts Board of Registration in Pharmacy whereby Mr. Chow was disciplined for unprofessional conduct while engaged in the practice of acupuncture (in Massachusetts). Mr. Chow is also licensed to practice pharmacy in Massachusetts.

The Board directed that a Letter of Concern be issued to Mr. Chow specifically instructing him that he must notify the NH Board of Pharmacy prior to any employment as a pharmacist in New Hampshire.

- (c) **ROMANOFF, David B.**
New London, NH
NH License No. R0603

The Board reviewed a Report of Investigation authored by Peter Grasso, R.Ph., Chief Compliance Investigator and Carl Kelly, R.Ph., Compliance Investigator, as well as Hearing Counsel's Petition to Approve Settlement Agreement.

Motion (Manoukian/Keans) to approve and accept the Settlement Agreement as submitted. Voted (unanimous).

- (d) **CASE FILE: ROI 17/05**

The Board reviewed a Report of Investigation authored by Peter Grasso, R.Ph., Chief Compliance Investigator and Carl Kelly, R.Ph., Compliance Investigator, as well as Hearing Counsel's Petition to Approve Settlement Agreement.

Motion (Keans/Bowersox) to deny the proposed Settlement Agreement and to dismiss, with prejudice, any allegation of

professional misconduct which would justify disciplinary sanctions and in lieu that a (non-public) Letter of Concern be issued. Voted (passed – Commissioner Genovese recused and not voting).

C. Pharmacy Technician

1. Reports of Investigation

- (a) ROI – 1/05 (PT2457)**
- (b) ROI – 2/05 (PT2925)**
- (c) ROI – 3/05 (PT3513)**
- (d) ROI – 4/05 (PT2963)**

The Board reviewed four Reports of Investigation submitted by Peter Grasso, R.Ph., Chief Compliance Investigator. All cases refer to pharmacy technicians with allegations of diversion of controlled substances.

Motion (Manoukian/Bowersox) to submit all four ROI's to the Office of the Attorney General – Administrative Prosecution Unit (APU) and requesting that hearing notices be prepared for service on all four registrants. Voted (unanimous).

IV. NEW BUSINESS

A. Destruction of Controlled Drugs

NeighborCare
331 Commerce Way
Pembroke, NH 03275

Robert A. Howes, R.Ph., Pharmacist-In-Charge

Request for consideration of an alternative method for destroying discontinued controlled substances in LTC nursing facilities using a mobile, heavy-duty shredder.

The Board requested additional information and possibly a demonstration of the proposed equipment.

B. Electronic File Transfer

Martin's Point Portsmouth Pharmacy
Portsmouth, NH

NH Pharmacy Permit No. 0416-P
Janet A. Nadeau-Leavitt, R.Ph., Pharmacist-In-Charge
**Michael Takach, R.Ph., Director of Pharmacy –
Martin's Point Healthcare**

The Board reviewed and discussed a request for consideration and approval of a process permitting Martin's Point Pharmacy in Portsmouth, NH to electronically communicate prescription refill information to Martin's Point Physician Practice Management System, also located in Portsmouth, NH.

By consensus, the Board did approve Mr. Takach's proposal for the electronic file transfer of refill request information to be transmitted from the Martin's Point Pharmacy System (Portsmouth, NH) to a Martin's Point Providers messaging sequence (queue) within the Martin's Point Practice Management System.

V. ADJOURNED 2:30 P.M.

Respectfully submitted,

Sandra B. Keans
Secretary
FOR THE BOARD